IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.1465 OF 2007

Kishor Rajanikant Joshi ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Rahul S.Kate with R.D.Suryawanshi Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 27, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.I-100 of 2007 of Manikpur Police Station, Dist.Thane. The said case is mainly under Sections 304 and 337 of IPC and Sections 3, 4 and 5 of Indian Explosive Act.

3. For levelling the land, work of blasting was going on in the land of the present applicant. On 21.3.2007, while blasting work was going on, the

stones thrown out on account of explosion relating to the blast, hit minor children of the complainant and the said children died on account of being hit by stones. Admittedly, the applicant was not on site on the day that the blast occurred.

4. As per the complainant, whenever blasting work was to take place, the person who used to carry out work of blasting, used to tell them that now the blast will take place, hence, they should go far from the area. On the relevant day apparently the person who was entrusted the duty, has not warned the persons in the area and on account of this, the incident took place. It cannot be said that applicant is directly responsible or that he had common intention with the other persons. Moreover, the applicant is resident of Mumbai and he owns property in Mumbai and Thane and he is not likely to abscond. In this view of the matter, I am inclined to grant anticipatory bail to the applicant.

5. In the event of arrest, the applicant to be released on bail in the sum of Rs.50,000/- (Rs.Fifty thousand only) with one or two sureties

to make up the said amount in C.R.No.I-100 of 2007 of Manikpur Police Station, Dist.Thane. The applicant shall report to the concerned Police Station as and when required till the conclusion of trial.

6. Application is disposed of.

[Smt. V.K.Tahilramani, J.]